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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,162	02/12/2004	Mitsuo Nishino	2004_0202A	3773
513 7590 05/30/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER RAMDHANIE, BOBBY	
			ART UNIT 1709	PAPER NUMBER
			MAIL DATE 05/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/776,162		NISHINO, MITSUO	
	Examiner		Art Unit	
	Bobby Ramdhanie, Ph.D.		1709	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1/10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/14/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/14/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 & 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al. Regarding Claim 1, Kimura et al teaches a dispenser for sucking and discharging a liquid from a nozzle by moving a piston sliding in the inside of a syringe (Column 1, lines 45-50), by a motor mounted in a frame (Column 3, lines 20-25), wherein the detection sensor for detecting the internal pressure of the inside of the syringe is integrally formed by connecting its air inlet directly to a through hole (Column 5, lines 65-68, Also Figure 1) formed to extend to the inner face of the syringe.

3. For Claim 2, Kimura teaches the dispenser according to Claim 1 comprising control means for controlling the suction and discharge of the liquid from the nozzle (Column 1, lines 52-61).

4. For Claim 3, Kimura teaches a dispenser according to Claim 1 wherein the syringe formed integrally with the detection sensor is made removable from the frame (Figure 2).

5. For Claim 4, Kimura teaches a dispenser according to Claim 1, wherein said motor is so mounted in the frame that its motor portion is kept out of contact with the

frame. Examiner takes the position that the motor is enclosed in its own housing (frame). The motor portion therefore is not in contact with the frame.

6. For Claims 5 and 10, Kimura teaches a dispenser according to Claims 1 and 2, wherein said control means has functions to stop the suction action (Column 10 lines 23-35) when the detection sensor detects an abrupt rise in vacuum while the liquid is being sucked by the nozzle (Figure 8, Column 11 lines 32-36) and to judge clogging (Column 11 lines 15-20) when the vacuum detected by the detection sensor rises after a lapse of a predetermined time period from the stop of suction action, and an out of liquid when the vacuum lowers (Column 9 lines 43-50).

Claim Rejections - 35 USC § 112

7. Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is lack of antecedent basis for the nozzle unit in Claim 6. Claims 7-9 are dependent on Claim 6.

Allowable Subject Matter

8. Claims 6-9 would be allowable if rewritten to overcome the 35 U.S.C. 112 rejections. The following is a statement of reasons for the indication of allowable subject matter: The dispensing device with the claim limitations of Claim 6 (which consists of the claimed dispenser or plurality of claimed dispensers with the additional claimed plate are deemed to be directed to an nonobvious improvement over the invention

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patented in Pat. No. 2002/0051737 A1. The claims comprise separate compartmentalized reservoirs (syringe and piston) and a separate control means for controlling the sucking and discharging of the liquid from the nozzle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bobby Ramdhanie, Ph.D. whose telephone number is 571-270-3240. The examiner can normally be reached on Mon-Fri 8-5 (Alt Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BR

Melvin Maye's
Primary Examiner
AU 734